Judge McDowell One of Franklin Oliver's Lawyers

By: Dale C. Maley
For: Fairbury Blade newspaper
Date: April 12, 2019

The earliest settlers in Livingston County were Frederick Rook and Major Valentine Darnall in 1829. Rook settled west of Pontiac, and Major Darnall settled south of Fairbury. Three years later, in 1832, William McDowell and his family settled north of Fairbury on the South Fork of the Vermilion River. The McDowells established the town of Avoca at this location. One of William McDowell's sons, Woodford G. McDowell, was a lawyer and Judge.

One other early Livingston County settler was Franklin Benjamin Oliver (1797-1881). He was the son of John A. Oliver and Mary E. Carman in New Jersey. John Oliver served as a Quartermaster in the Revolutionary War and was a personal friend of Benjamin Franklin. Ben Franklin gave a portrait of himself to John Oliver. When John Oliver died in 1824, he gave the Ben Franklin portrait and his war documents to his son Franklin Oliver. When Franklin Oliver decided to head west from New Jersey, he took the Franklin portrait and the war papers with him. Franklin Oliver kept $5,000 cash hidden in the back of the picture. Unfortunately, the Franklin portrait and all the war documents were destroyed in a house fire.

Family legend recounts that Franklin Oliver and his family were headed for California when he came to a grove of trees. This grove appealed to him as a campsite. He entered the timber and immediately found himself surrounded by Kickapoo. Oliver drove his knife into the nearest tree as a sign of peace, and the Kickapoos presently withdrew to their council fire to hold a pow-wow. Mrs. Oliver built a little fire of her own and cooked supper for her family. After they had eaten, the Kickapoo returned to take him to their chief. The chief offered Oliver their peace pipe. Oliver was not a smoker, but he always said this was one time when he was glad to indulge. The family lived in a teepee at first. Later the Kickapoo helped them build a log cabin. This site was three miles south of Chatsworth and became known as Oliver's Grove.

The Kickapoo were friendly, but they were still suspicious of Oliver because the Black Hawk War was brewing. Caution compelled Oliver to always stay in plain sight of the Kickapoo so they could easily watch him.

The McDowells and other early settlers around Avoca became very alarmed when the Black Hawk War started in 1832. The Kickapoo suggested that Oliver tell the Avoca settlers to go east to Indiana until the war was over. Oliver warned the other Avoca group, and they briefly traveled to Indiana until the four-month-long war was over.

Oliver did not go east with the other settlers. He stayed at Oliver's Grove with the Kickapoo during the war. Oliver was allowed to come and go as he pleased. The

Kickapoo chief grew so fond of him that he named his son for him. Later, Oliver gave the chief's name to the village of Saunemin.

After the Black Hawk War ended in 1832, the Kickapoo were forced to leave their home in Oliver's Grove and moved out of Illinois. Since Oliver was a civil engineer and surveyor by profession, he received the job of surveying most of Livingston County for the first time. As he found land that he liked, he bought it. He acquired over four thousand acres. Franklin Oliver was one of the great landowners of early Illinois.

Almost as soon as the Franklin Oliver family settled in Oliver's Grove, the rumors and stories about Oliver being a sinister character began. When the mail routes were established, his home became the post office. As settlers became more numerous, his house also became an inn offering shelter to travelers. The men that lodged at Oliver's home slept on their guns because the place had such a bad reputation. There was rumored to be an enormous pile of iron wheel rims hidden in the grove from the burning of many immigrant wagons. The owners of these wagons were never seen again. The tales of Oliver's robberies and murders were endless.

His very appearance supported the legends about him. His hair was white now, and since he wore it shoulder length, it had a breath-stopping, eerie look when blown by the wind. Fairbury children were in terror of his very name. The children were afraid because as each one of Oliver's children was born, he took his pocket knife and notched their ears, identifying them, like his animals, as his own.

Pioneers were warned not to stop at Oliver's Grove but to keep on going until they got to Billy Fugate's in Fairbury. Mrs. Fugate baked bread for them. She also gave them milk and eggs. The pioneers had an opportunity to rest in safety at the Fugate farm.

Franklin Oliver needed the services of lawyers because he was always involved in lawsuits and divorces. In her book Stuffed Clubs & Antimacassars, Alma Lewis James recounted that the first two wives of Franklin Oliver died. His third wife filed for divorce and was granted four hundred acres of his land. Oliver was so infuriated by the divorce settlement that he deeded his remaining farmland to Judge McDowell of Fairbury and Judge Payson of Pontiac. He thought this would prevent future wives from receiving any of his precious lands.

Franklin Oliver made national news in 1881 when he was 84 years old. The newspapers exaggerated his age to be 94. The newspapers reported that 94-year-old Franklin Oliver proposed marriage to a 30-year-old Saybrook woman. He also offered her 1,000 acres if she would marry him. She accepted his marriage proposal until she learned that his children held all his land as conservators. Once she realized she legally could not get the promised farmland, she called off the wedding.

Franklin Oliver was undoubtedly the most colorful early settler of Livingston County. A new book is currently being researched and written by citizens of Chatsworth. When this

book is completed, it will be a fascinating tale of Franklin Oliver and his descendants' lives.